

AN ORDINANCE

99368

CLOSING, VACATING AND ABANDONING AN IMPROVED 0.3934 ACRE PORTION OF HUNSTOCK AVENUE PUBLIC RIGHT OF WAY LOCATED BETWEEN WHITTIER STREET AND GROVE AVENUE ADJACENT TO NCB 2980, AND NCB 2981, IN COUNCIL DISTRICT 5, FOR THE EXPANSION AND REDEVELOPMENT OF THE ADJACENT GREEN ELEMENTARY SCHOOL, AS REQUESTED BY THE PETITIONER AND OWNER OF THE ABUTTING PROPERTY, THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, FOR THE TOTAL CONSIDERATION OF \$12,534.00.

* * * * *

WHEREAS, the San Antonio Independent School District, as Petitioner and abutting owner ("Petitioner"), has requested that the City of San Antonio close, vacate and abandon an improved 0.3934 acre portion of Hunstock Avenue public right of way located between Whittier Street and Grove Avenue adjacent to NCB 2980 and NCB 2981 ("Subject Property"); and

WHEREAS, the Petitioner has already purchased all the abutting properties to the west of the proposed closure and has requested closure of the Subject Property in order to expand the Green Elementary School campus which involves the construction of a new school building, an Early Childhood Development Facility, a larger playground and additional parking; and

WHEREAS, the Subject Property is surplus to the needs of the City of San Antonio and City staff has recommended that the City close, vacate and abandon the Subject Property for the tender by Petitioner of consideration in the amount of \$12,534.00; and

WHEREAS, Petitioner's request has been circulated through all interested City departments and utility agencies involved and the Petitioners have agreed to the conditions and/or restrictions imposed by the City Departments of Planning, Public Works, Development Services, and Asset Management, City Public Service Board and the San Antonio Water System; and

WHEREAS, the City Planning Commission considered this request at its regular meeting of June 9, 2004 and, following a public hearing, has recommended to the City Council approval of such request; and the City Council, following a public hearing on June 24, 2004, approved the request to close, vacate and abandon the Subject Property; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The improved 0.3934 acre portion of Hunstock Avenue public right of way located between Whittier Street and Grove Avenue adjacent to NCB 2980 and NCB 2981 (Subject Property") is hereby declared surplus to the needs of the City of San Antonio and closed, vacated and abandoned as City of San Antonio public right-of-way, as requested by the Petitioner and abutting property owner, the San Antonio Independent School District. Such portion is shown and legally described on **Exhibit A** attached hereto and incorporated herein verbatim for all purposes.

SECTION 2. City acknowledges receipt from the Petitioner of \$12,534.00, as consideration for the City's action in closing, vacating and abandoning the Subject Property; however, such action is contingent on the Petitioner agreeing to the conditions set forth in a Letter Agreement, a copy of which, signed on behalf of the Petitioner, is attached hereto as **Exhibit B** and incorporated herein verbatim for all purposes.

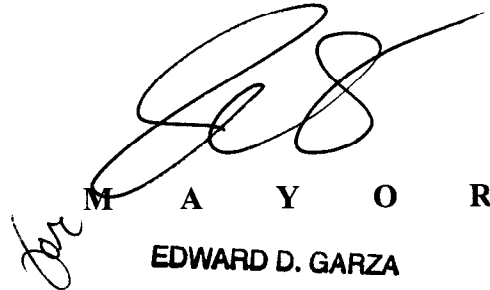
SECTION 3. The City Manager or a designee, is hereby authorized to execute any and all legal documents, deemed necessary by the City Attorney's Office, to facilitate the closing, vacating, and abandoning of the Subject Property, as requested by the Petitioner, the San Antonio Independent School District.

SECTION 4. The \$12,534.00 in proceeds to be collected from the Petitioner for the closing, vacating and abandonment of the Subject Property shall be deposited in Fund No. 11-000000 (General Fund) in Index Code 040337 entitled "Sale of Land".

SECTION 5. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This ordinance shall be effective on the 4th day of July, 2004.

PASSED AND APPROVED this 24th day of June, 2004.


M A Y O R
EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney